

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3618
OFFERED BY MRS. BEATTY OF OHIO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Free Credit Scores
3 for Consumers Act of 2019”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) While nationwide consumer reporting agen-
7 cies (“CRAs”) are required by law to supply con-
8 sumers with a free copy of their credit report annu-
9 ally, they can charge consumers to obtain a credit
10 score disclosure.

11 (2) A July 2011 report by the Consumer Fi-
12 nancial Protection Bureau (“Consumer Bureau”) ti-
13 tled “The Impact of Differences between Consumer-
14 and Creditor-Purchased Credit Scores” found that
15 the credit scores made available to and purchased by
16 consumers from CRAs are unlikely to be the same
17 credit scores used by creditors and lenders to evalu-
18 ate consumers’ creditworthiness.

1 (3) That report found that the scarcity of pub-
2 lic educational tools to inform consumers of the dif-
3 ferences among credit scores, the large combined
4 market share and brand recognition of FICO credit
5 scores, and the marketing practices of some credit
6 score sellers may perpetuate consumers' confusion
7 about credit scores. As a result, some consumers
8 may be purchasing an educational credit score or
9 subscribing to a credit monitoring service sold by a
10 CRA, without realizing the limitations and useful-
11 ness of these products and services.

12 (4) Similarly, a September 2012 Consumer Bu-
13 reau report titled "Analysis of Differences between
14 Consumer- and Creditor-Purchased Credit Scores"
15 found that consumers do not know before they pur-
16 chase a credit score from a CRA whether this credit
17 score will closely track or vary significantly from the
18 credit score sold to creditors or lenders. Given the
19 lack of transparency about the usefulness of credit
20 scores that are marketed for purchase by consumers
21 from CRAs and the resulting consumer confusion,
22 the Consumer Bureau recommended that companies
23 selling scores to consumers clearly inform consumers
24 that the scores marketed to consumers for purchase
25 by CRAs can vary, sometimes substantially, from

1 the scores that are actually sold to and used by
2 creditors and lenders.

3 (5) A February 2011 study by Consumer Fed-
4 eration of America and VantageScore also found
5 that half of the consumers surveyed did not know
6 that a credit score is designed to indicate the risk
7 of not repaying a credit obligation. Consumers also
8 did not know who makes credit scores available,
9 what numerical range constitutes excellent credit
10 standing, or the financial implications of having a
11 low credit score.

12 (6) Many consumers do not realize that they
13 have more than just “one” credit score. Because the
14 submission of credit information to CRAs is vol-
15 untary and not all furnishers submit information to
16 every CRA, the information contained in a report
17 also varies among CRAs. As a result, the credit
18 score generated by each CRA is also likely to vary,
19 resulting in potentially different credit decisions
20 based on an evaluation of different credit reports ob-
21 tained from different CRAs.

22 (7) A February 2015 Consumer Bureau report
23 titled “Consumer Voices on Credit Reports and
24 Scores” found that consumers had questions about
25 what actions to take to improve their scores once

1 they had seen them, suggesting that additional dis-
2 closures and educational content would be helpful to
3 consumers. The Consumer Bureau found that con-
4 sumers were confused by conflicting advice on how
5 to improve their scores.

6 (8) That report also noted that consumers
7 found the process for obtaining consumer reports
8 and credit scores confusing. Consumers also were
9 uncertain about whether, and under what cir-
10 cumstances, they could obtain a consumer report for
11 free.

12 **SEC. 3. CREDIT SCORE AND EDUCATIONAL CREDIT SCORE**
13 **DEFINITIONS.**

14 (a) IN GENERAL.—Section 603 of the Fair Credit
15 Reporting Act (15 U.S.C. 1681a) is amended by adding
16 at the end the following new subsection:

17 “(bb) CREDIT SCORE AND EDUCATIONAL CREDIT
18 SCORE DEFINITIONS.—

19 “(1) CREDIT SCORE.—The term ‘credit score’
20 means a numerical value or a categorization derived
21 from a statistical tool or modeling system used by a
22 person who makes or arranges a loan or extends
23 credit to predict the likelihood of certain credit be-
24 haviors, including default, as determined by the Bu-
25 reau.

1 “(2) EDUCATIONAL CREDIT SCORE.—The term
2 ‘educational credit score’ means a numerical value or
3 categorization derived from a statistical tool or mod-
4 eling system based upon information from a con-
5 sumer report that assists consumers in under-
6 standing how a lender or creditor may view the con-
7 sumer’s creditworthiness in deciding whether to
8 make a loan or extend credit to that consumer.

9 “(3) KEY FACTORS.—The term ‘key factors’
10 means relevant elements or reasons affecting the
11 credit score for the particular individual, listed in
12 the order of importance based on the effect of each
13 element or reason on the credit score or educational
14 credit score.

15 “(4) CREDIT SCORING MODEL.—The term
16 ‘credit scoring model’ means a scoring algorithm,
17 formula, model, program, or mechanism used to gen-
18 erate a credit score or an educational credit score.”.

19 (b) CONFORMING AMENDMENTS.—The Fair Credit
20 Reporting Act (15 U.S.C. 1681 et seq.) is amended—

21 (1) in section 605(d)(2), by striking “(as de-
22 fined in section 609(f)(2)(B))”; and

23 (2) in section 615—

1 (A) by striking “as defined in section
2 609(f)(2)(A)” each place that term appears;
3 and

4 (B) in subsection (a)(2)(B), by striking
5 “set forth in subparagraphs (B) through (E) of
6 section 609(f)(1)” and inserting “with respect
7 to a credit score described in section 609(f)(2),
8 if available” each place that term appears.

9 **SEC. 4. EXPANDS EXPLANATORY INFORMATION GIVEN TO**
10 **CONSUMERS ABOUT HOW SCORES ARE CAL-**
11 **CULATED.**

12 Section 609(f) of the Fair Credit Reporting Act (15
13 U.S.C. 1681g(f)) is amended to read as follows:

14 “(f) DISCLOSURE OF CREDIT SCORE AND EDU-
15 CATIONAL CREDIT SCORE BY CONSUMER REPORTING
16 AGENCIES.—

17 “(1) IN GENERAL.—Upon the request of a con-
18 sumer for a credit score or educational credit score,
19 a consumer reporting agency shall supply to the con-
20 sumer a statement—

21 “(A) containing—

22 “(i) a current credit score at the time
23 of the request generated using a commonly
24 used credit scoring model to generate cred-

1 it scores, subject to regulations of the Bu-
2 reau;

3 “(ii) an educational credit score at the
4 time of the request, if it is not practicable
5 to generate such a credit score, as deter-
6 mined by the Bureau; or

7 “(iii) an explanation that the con-
8 sumer’s file does not have sufficient infor-
9 mation from which to generate such a
10 credit score or educational credit score;
11 and

12 “(B) with respect to each previous credit
13 score in the file of the consumer—

14 “(i) the date on which the credit score
15 was generated;

16 “(ii) the name of any entity that the
17 credit score was provided to; and

18 “(iii) the credit score itself.

19 “(2) REQUIREMENTS.—A statement provided
20 under clause (i) or (ii) of paragraph (1)(A) shall in-
21 clude—

22 “(A) a minimum of 4 key factors, if avail-
23 able, that adversely affected the credit score or
24 educational credit score, except that if one of
25 the key factors consists of the number of

1 enquiries made with respect to a consumer re-
2 port, that factor shall be provided to the con-
3 sumer in addition to the factors required by
4 this subparagraph;

5 “(B) to the extent possible, specific actions
6 a consumer could take with respect to each key
7 factor listed in subparagraph (A) to improve
8 the consumer’s credit score or educational cred-
9 it score;

10 “(C) a minimum of 4 key factors, if avail-
11 able, that positively affected the credit score or
12 educational credit score;

13 “(D) the range of possible credit scores or
14 educational credit scores under the credit scor-
15 ing model used;

16 “(E) the distribution of credit scores or
17 educational credit scores among consumers who
18 are scored under the same credit scoring model
19 by the consumer reporting agency, and using
20 the same scale as that of the score that is pro-
21 vided to a creditor or consumers—

22 “(i) in the form of a bar graph con-
23 taining a minimum of 6 bars that illus-
24 trates the percentage of consumers with
25 credit scores or educational credit scores

1 within the range of scores represented by
2 each bar; or

3 “(ii) by another clear and readily un-
4 derstandable graphical depiction, state-
5 ment, or illustration comparing the con-
6 sumer’s credit score or educational credit
7 score to the scores of other consumers, as
8 determined by the Bureau;

9 “(F) the date on which the credit score or
10 educational credit score was created; and

11 “(G) the name of the person that devel-
12 oped the credit scoring model on which the
13 credit score or educational credit score was
14 based.

15 “(3) APPLICABILITY TO CERTAIN USES.—This
16 subsection shall not be construed so as to compel a
17 consumer reporting agency to—

18 “(A) develop or disclose a credit score if
19 the agency does not distribute credit scores
20 used by a person who makes or arranges a loan
21 or extends credit to predict the likelihood of
22 certain credit behaviors; or

23 “(B) develop or disclose an educational
24 credit score if the agency does not develop edu-
25 cational credit scores that assist in under-

1 standing the general credit behavior of a con-
2 sumer and predicting the future credit behavior
3 of the consumer.

4 “(4) MAINTENANCE OF CREDIT SCORES.—

5 “(A) IN GENERAL.—All consumer report-
6 ing agencies shall maintain in the consumer’s
7 file credit scores relating to the consumer for a
8 period of 2 years from the date on which such
9 information is generated.

10 “(B) DISCLOSURE ONLY TO CON-
11 SUMERS.—A past credit score maintained in a
12 consumer’s file pursuant to subparagraph (A)
13 may only be provided to the consumer to which
14 the credit score relates and may not be included
15 in a consumer report or used as a factor in gen-
16 erating a credit score or educational credit
17 score.

18 “(C) REMOVAL OF PAST CREDIT
19 SCORES.—A past credit score maintained in a
20 consumer’s file pursuant to subparagraph (A)
21 shall be removed from the consumer’s file after
22 the end of the 2-year period described under
23 subparagraph (A).”.

1 **SEC. 5. REQUIRES CONSUMER REPORTING AGENCIES TO**
2 **DISCLOSE PROMINENTLY THE DIFFERENCES**
3 **BETWEEN AND LIMITATIONS OF CREDIT**
4 **SCORES AND EDUCATIONAL CREDIT SCORES**
5 **REQUIRED PRIOR TO A CONSUMER OBTAIN-**
6 **ING SUCH SCORES.**

7 Section 609(f) of the Fair Credit Reporting Act (15
8 U.S.C. 1681g(f)), as amended by section 3, is further
9 amended by adding at the end the following new para-
10 graphs:

11 “(5) WEBSITE DISCLAIMER.—A consumer re-
12 porting agency that generates or provides credit
13 scores or educational credit scores shall clearly and
14 conspicuously display on the home page of the agen-
15 cy’s Internet website, and as part of any application,
16 solicitation, or marketing material or media pro-
17 viding information related to a credit score or edu-
18 cational credit score, the following notice, in boldface
19 type of 18-point font or larger and in a text box
20 with boldface outer borders:

21 **“CREDIT SCORE DISCLAIMER. ““**

22 There is no “one” credit score. There are many scor-
23 ing formulas derived from a wide variety of models avail-
24 able to a consumer and used by lenders and creditors. Dif-
25 ferent lenders and creditors use different scoring formulas
26 to determine whether to extend credit or make a loan to

1 you, and the terms of the credit or loan. An educational
2 credit score is not a credit score that a person who makes
3 a loan or extends credit to you is likely to use. Educational
4 credit scores are merely intended to be used as an edu-
5 cational tool to help consumers understand how the infor-
6 mation contained in a consumer report may affect the
7 terms and conditions of a loan or extension of credit that
8 may be available to a consumer. Lenders and creditors
9 may also rely on information not contained in your con-
10 sumer report and not reflected in the calculation of your
11 credit score.’.

12 “(6) ADDITIONAL REQUIREMENTS FOR EDU-
13 CATIONAL CREDIT SCORES.—

14 “(A) DISCLAIMER.—If an educational
15 credit score is provided pursuant to paragraph
16 (1), a consumer reporting agency shall clearly
17 and conspicuously include in a prominent loca-
18 tion on the statement, in boldface type of 18-
19 point font or larger, and in a text box with
20 boldface outer borders, the following notice:

21 “**EDUCATIONAL CREDIT SCORE DISCLAIMER.** “

22 The educational credit score provided to you is not
23 a credit score that a lender or creditor is likely to use to
24 make a loan or extend credit to you. There are many dif-
25 ferent credit scores derived from a wide variety of models

1 used by lenders and creditors. An educational credit score
2 is merely an educational tool. It is intended to provide con-
3 sumers with a basic understanding of how the information
4 contained in a consumer report may affect the terms and
5 conditions of credit that are available. The credit scores
6 you receive directly from different lenders and creditors
7 may not be the same as an educational credit score. There
8 are a number of reasons for this:

9 “(1) Each company may use a different for-
10 mula for calculating credit scores and the differences
11 in the formulas may lead to differences in your
12 scores.

13 “(2) Companies may produce scores that give
14 results on different scales.

15 “(3) Not all lenders or creditors report to
16 every consumer reporting agency, and therefore the
17 information contained in your consumer report that
18 the consumer reporting agencies use to calculate
19 your educational credit score may differ among
20 agencies.’.

21 “(B) PROHIBITION ON MISLEADING REP-
22 RESENTATIONS.—A consumer reporting agency
23 may not refer to an educational credit score as
24 a credit score in any application, solicitation,

1 marketing, or other informational materials or
2 media.

3 “(7) MODIFICATION OF DISCLAIMERS.—The
4 Bureau may modify the content, format, and man-
5 ner of the disclaimers required under paragraphs (5)
6 and (6), if warranted, after conducting consumer
7 testing or research.”.

8 **SEC. 6. PROVIDES CONSUMERS WITH FREE CREDIT SCORE**
9 **DISCLOSURES WITH THEIR FREE ANNUAL**
10 **CONSUMER REPORTS UPON REQUEST AND**
11 **CREATES INSTANCES WHEN CONSUMERS**
12 **AUTOMATICALLY RECEIVE FREE CONSUMER**
13 **REPORTS AND CREDIT SCORES.**

14 (a) IN GENERAL.—Section 612 of the Fair Credit
15 Reporting Act (15 U.S.C. 1681j) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) in subparagraph (A), by inserting
19 after “section 609” the following: “(includ-
20 ing the disclosure of a credit score or edu-
21 cational credit score under subsection (f)
22 of such section)”; and

23 (ii) in subparagraph (C)—

24 (I) by striking “Commission”
25 and inserting “Bureau”; and

1 (II) by inserting “, credit scores,
2 and educational credit scores (as ap-
3 plicable)” after “consumer reports”
4 each place that term appears;

5 (B) in paragraph (2)—

6 (i) by striking “15 days” and insert-
7 ing “3 business days”; and

8 (ii) by inserting “, credit score, or
9 educational credit score” after “consumer
10 report”;

11 (C) in paragraph (3), by inserting “, credit
12 score, or educational credit score” after “con-
13 sumer report”; and

14 (D) in paragraph (4), by inserting “, credit
15 scores, or educational credit scores” after “con-
16 sumer reports”;

17 (2) in subsection (b), by inserting “(including
18 the disclosure of a credit score or educational credit
19 score, as applicable, under subsection (f) of such sec-
20 tion)” after “section 609”;

21 (3) in subsection (c)—

22 (A) by inserting “(including the disclosure
23 of a credit score or educational credit score
24 under subsection (f) of such section)” after
25 “pursuant to section 609”;

1 (B) in paragraph (2), by striking “; or”
2 and inserting a semicolon;

3 (C) in paragraph (3), by striking the pe-
4 riod at the end and inserting a semicolon; and

5 (D) by adding at the end the following new
6 paragraphs:

7 “(4) has disputed information, or submitted an
8 appeal of an investigation or reinvestigation of such
9 information, under section 611 or 623, regardless of
10 whether the consumer has already received a credit
11 report, credit score, or educational credit score
12 under section 611 or 623; or

13 “(5) has had information that was previously
14 deleted under section 611(a)(5) reinserted into the
15 consumer’s file, regardless of whether the consumer
16 has already received a credit report, credit score, or
17 educational credit score under such section.”;

18 (4) in subsection (d), by inserting “(including
19 the disclosure of a credit score or educational credit
20 score under subsection (f) of such section)” after
21 “section 609”;

22 (5) in subsection (f)(1)—

23 (A) by striking “reasonable charge” and
24 all that follows through “section 609” and in-

1 serting “reasonable charge on a consumer for
2 providing a consumer report to a consumer”;

3 (B) by striking subparagraph (B);

4 (C) by redesignating clauses (i) and (ii) as
5 subparagraphs (A) and (B), respectively (and
6 conforming the margins accordingly); and

7 (D) in subparagraph (B) (as so redesignig-
8 nated), by striking “disclosure; and” and insert-
9 ing “disclosure.”; and

10 (6) by adding at the end the following new sub-
11 sections:

12 “(h) CENTRALIZED SOURCE FOR OBTAINING FREE
13 COPY OF CONSUMER REPORT AND SCORES.—

14 “(1) NATIONWIDE CONSUMER REPORTING
15 AGENCIES.—

16 “(A) IN GENERAL.—Not later than 180
17 days after the date of enactment of this sub-
18 section, each consumer reporting agency de-
19 scribed under subsection (p) of section 603
20 shall prominently display on the home page of
21 the agency’s website—

22 “(i) a hyperlink labeled ‘Get Your
23 Free Annual Credit Reports along with ei-
24 ther your Credit Scores or Educational
25 Credit Scores provided for under Federal

1 Law' or substantially similar text, as deter-
2 mined by the Bureau; and

3 “(ii) a disclosure titled ‘Consumer’s
4 Right to Free Credit Scores, Educational
5 Credit Scores, and Reports under Federal
6 Law’ or substantially similar text, as deter-
7 mined by the Bureau that includes the fol-
8 lowing statement:

9 “‘All consumers are entitled to obtain a free copy of
10 their consumer report and credit score or educational cred-
11 it score annually from each of the nationwide consumer
12 reporting agencies. Under Federal law, a consumer is enti-
13 tled to obtain additional free copies of their consumer re-
14 ports, along with a copy of either the consumer’s credit
15 score or educational credit score (under certain cir-
16 cumstances), including:

17 “‘(1) When a consumer is unemployed and in-
18 tends to apply for employment within 60 days.

19 “‘(2) When a consumer is a recipient of public
20 welfare assistance.

21 “‘(3) When a consumer has a reasonable belief
22 that their report contains inaccuracies as a result of
23 fraud.

24 “‘(4) When a consumer asserts in good faith a
25 suspicion that the consumer has been or is about to

1 become a victim of identity theft, fraud, or a related
2 crime, or harmed by the unauthorized disclosure of
3 the consumer’s financial or personally identifiable in-
4 formation.

5 “(5) When a consumer files a dispute or an
6 appeal of the results of a dispute with a consumer
7 reporting agency or a person who furnished informa-
8 tion to the consumer reporting agency regarding the
9 accuracy or completeness of the information con-
10 tained on their report.

11 “(6) After a furnisher of information discovers
12 it has furnished inaccurate or incomplete informa-
13 tion to a consumer reporting agency, and the fur-
14 nisher notifies the agency of the error.

15 “(7) After an adverse action is taken against
16 a consumer or a consumer receives a risk-based pric-
17 ing notice.

18 “(8) When a mortgage lender, private edu-
19 cational lender, indirect auto lender, or motor vehicle
20 lender obtains and uses a consumer’s reports or
21 scores for underwriting purposes.’.

22 “(B) **HYPERLINK REQUIREMENTS.**—The
23 hyperlink described in subparagraph (A)(i) shall
24 be prominently located on the top of the home
25 page and should link directly to the website of

1 the centralized source established pursuant to
2 section 211(d) of the Fair and Accurate Credit
3 Transactions Act of 2003 (15 U.S.C. 1681j
4 note).

5 “(C) MODIFICATIONS.—The Bureau may
6 modify the disclosure described in subparagraph
7 (A)(ii) as necessary to include other cir-
8 cumstances under which a consumer has the
9 right to receive a free consumer report, credit
10 score, or educational credit score.

11 “(2) NATIONWIDE SPECIALTY CONSUMER RE-
12 PORTING AGENCIES.—

13 “(A) IN GENERAL.—Not later than 180
14 days after the date of enactment of this sub-
15 section, each nationwide specialty consumer re-
16 porting agency shall prominently display on the
17 Internet home webpage of the agency a disclo-
18 sure titled ‘Consumer’s Right to Free Con-
19 sumer Reports and Credit Score or Educational
20 Credit Score (as applicable) under Federal
21 Law’. Such disclosure shall include the fol-
22 lowing statement:

23 “‘Upon request, all consumers are entitled to obtain
24 a free copy of their consumer report and credit score or
25 educational credit score (as applicable) during any 12-

1 month period from each of the nationwide specialty con-
2 sumer reporting agencies. Federal law also provides fur-
3 ther circumstances under which a consumer is entitled to
4 obtain additional free copies of their consumer report and
5 credit score or educational credit score (as applicable) in-
6 cluding:

7 “(1) When a consumer is unemployed and in-
8 tends to apply for employment within 60 days.

9 “(2) When a consumer is a recipient of public
10 welfare assistance.

11 “(3) When a consumer has a reasonable belief
12 that their report contains inaccuracies as a result of
13 fraud.

14 “(4) When a consumer files a dispute or an
15 appeal of the results of a dispute with a consumer
16 reporting agency or a person who furnished informa-
17 tion to the consumer reporting agency regarding the
18 accuracy or completeness of the information con-
19 tained on their report.

20 “(5) After a furnisher of information discovers
21 it has furnished inaccurate or incomplete informa-
22 tion to a consumer reporting agency, and the fur-
23 nisher notifies the agency of the error.

1 “(6) After an adverse action is taken against
2 a consumer or a consumer receives a risk-based pric-
3 ing notice.

4 “(7) When a mortgage lender, private edu-
5 cational lender, indirect auto lender, or motor vehicle
6 lender obtains and uses a consumer’s reports or
7 scores for underwriting purposes.’.

8 “(B) MODIFICATIONS.—The Bureau may
9 modify the disclosure described in subparagraph
10 (A) as necessary to include other circumstances
11 under which a consumer has the right to receive
12 a free consumer report and credit score or edu-
13 cational credit score (as applicable).

14 “(C) TOLL-FREE TELEPHONE ACCESS.—
15 The information described in this paragraph
16 shall also be made available via a toll-free tele-
17 phone number. Such number shall be promi-
18 nently displayed on the home page of the
19 website of each nationwide specialty consumer
20 reporting agency. Each of the circumstances
21 under which a consumer may obtain a free con-
22 sumer report and credit score or educational
23 credit score (as applicable) shall be presented in
24 an easily understandable format and consumers
25 shall be directed to an individual who is a cus-

1 tomer service representative not later than 2
2 minutes after the initial phone connection is
3 made by the consumer. Information provided
4 through such telephone number shall comply
5 with the requirements of section 633.

6 “(D) ONLINE CONSUMER REPORTS; EX-
7 EMPTION.—Upon receipt of a request by a con-
8 sumer for a consumer report, each nationwide
9 specialty consumer reporting agency shall pro-
10 vide access to such report electronically on the
11 Internet website described in section 611(h).

12 “(i) AUTOMATIC PROVISION OF FREE CONSUMER
13 REPORTS AND CREDIT SCORES OR EDUCATIONAL CREDIT
14 SCORES.—A consumer reporting agency shall provide to
15 a consumer a free copy of the file and credit score or edu-
16 cational credit score of the consumer who—

17 “(1) obtains a fraud alert, extended alert, active
18 duty alert, or security freeze as described in section
19 605A; or

20 “(2) has disputed information, or submitted an
21 appeal of an investigation or reinvestigation of such
22 information, under section 611 or 623.”.

23 (b) TECHNICAL AMENDMENT.—Section 615(h)(7) of
24 such Act (15 U.S.C. 1681m(h)(7)) is amended by striking
25 “section” and inserting “subsection”.

1 **SEC. 7. REQUIRES PRIVATE EDUCATIONAL LENDERS TO**
2 **PROVIDE CONSUMERS WITH FREE COPIES OF**
3 **ANY CONSUMER REPORTS AND CREDIT**
4 **SCORES THAT THEY USED FOR UNDER-**
5 **WRITING BEFORE CONSUMERS SIGN LOAN**
6 **AGREEMENTS.**

7 Section 609 of the Fair Credit Reporting Act (15
8 U.S.C. 1681g) is amended by adding at the end the fol-
9 lowing new subsection:

10 “(h) DISCLOSURE OF CONSUMER REPORTS AND
11 CREDIT SCORES BY PRIVATE EDUCATIONAL LENDERS.—

12 “(1) IN GENERAL.—If a private educational
13 lender obtains a copy of any consumer reports or
14 credit scores and uses such reports or scores in con-
15 nection with an application of a consumer for a pri-
16 vate education loan, the private educational lender
17 shall provide to the consumer, not later than 3 busi-
18 ness days after obtaining such reports or scores and
19 before the date on which the consumer enters into
20 a loan agreement with the private educational lend-
21 er, a copy of any such reports or scores, along with
22 the statement described under subsection (f)(2).

23 “(2) COSTS.—None of the costs to the private
24 educational lender associated with procuring con-
25 sumer reports or credit scores under this subsection

1 may be charged, directly or indirectly, to the con-
2 sumer.

3 “(3) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to eliminate any
5 requirement for creditors and lenders to provide
6 credit score disclosures, including the statement de-
7 scribed under subsection (f)(2), to consumers as
8 part of an adverse action or risk-based pricing no-
9 tice.”.

10 **SEC. 8. REQUIRES MOTOR VEHICLE LENDERS OR INDIRECT**
11 **AUTO LENDERS TO PROVIDE CONSUMERS**
12 **WITH FREE COPIES OF ANY CONSUMER RE-**
13 **PORTS AND CREDIT SCORES THAT THEY**
14 **USED FOR UNDERWRITING BEFORE CON-**
15 **SUMERS SIGN LEASE OR LOAN AGREEMENTS.**

16 Section 609 of the Fair Credit Reporting Act (15
17 U.S.C. 1681g), as amended by section 6, is further
18 amended by adding at the end the following new sub-
19 section:

20 “(i) DISCLOSURE OF CONSUMER REPORTS AND
21 CREDIT SCORES USED BY MOTOR VEHICLE LENDERS OR
22 INDIRECT AUTO LENDERS.—

23 “(1) IN GENERAL.—If a motor vehicle lender or
24 indirect auto lender obtains a copy of any consumer
25 reports or credit scores and uses such reports or

1 scores in connection with an application of a con-
2 sumer for a motor vehicle loan or lease, the motor
3 vehicle lender or indirect auto lender shall provide to
4 the consumer a document, separate from the con-
5 sumer's lease or purchase agreement and before the
6 consumer enters into a lease or purchase agreement,
7 disclosing any consumer reports and credit scores,
8 including the statement described in subsection
9 (f)(2), used by the lender to determine whether to
10 extend credit to the consumer.

11 “(2) COSTS.—None of the costs to the motor
12 vehicle lender or indirect auto lender associated with
13 procuring consumer reports or credit scores under
14 this subsection may be charged, directly or indi-
15 rectly, to the consumer.

16 “(3) RULE OF CONSTRUCTION.—Nothing in
17 this subsection shall be construed to eliminate any
18 requirement for creditors and lenders to provide
19 credit score disclosures, including the statement de-
20 scribed under subsection (f)(2), to consumers as
21 part of an adverse action or risk-based pricing no-
22 tice.

23 “(4) DEFINITIONS.—

24 “(A) INDIRECT AUTO LENDER.—The term
25 ‘indirect auto lender’ has the meaning given the

1 term by the Bureau, and shall include a person
2 extending a loan made with respect to a car,
3 boat, motorcycle, recreational vehicle, or other
4 similar vehicle used primarily for personal or
5 household purposes.

6 “(B) MOTOR VEHICLE LENDER.—The
7 term ‘motor vehicle lender’ has the meaning
8 given the term by the Board of Governors of
9 the Federal Reserve System, and shall include
10 a person extending a loan made with respect to
11 a car, boat, motorcycle, recreational vehicle, or
12 other similar vehicle used primarily for personal
13 or household purposes.”

14 **SEC. 9. REQUIRES RESIDENTIAL MORTGAGE LENDERS TO**
15 **PROVIDE CONSUMERS WITH FREE COPIES OF**
16 **ANY CONSUMER REPORTS AND CREDIT**
17 **SCORES THAT THEY USED FOR UNDER-**
18 **WRITING BEFORE CONSUMERS SIGN LOAN**
19 **AGREEMENTS.**

20 Section 609(g) of the Fair Credit Reporting Act (15
21 U.S.C. 1681g(g)) is amended—

22 (1) by redesignating paragraph (2) as para-
23 graph (5);

24 (2) in paragraph (1)—

1 (A) by striking “a consumer credit score”
2 and inserting “any consumer reports or credit
3 scores”;

4 (B) by striking “, as defined in subsection
5 (f),”;

6 (C) by striking “the following to the con-
7 sumer as soon as reasonably practicable:” and
8 inserting “, not later than 3 business days after
9 using such reports or scores, a document dis-
10 closing any consumer reports and credit scores
11 used by the lender to determine whether to ex-
12 tend credit to the consumer along with the
13 statement described in subsection (f)(2).”;

14 (D) by striking subparagraphs (A), (B),
15 (C), (E), and (F);

16 (E) by redesignating subparagraph (D) as
17 paragraph (3) (and adjusting the margins ac-
18 cordingly); and

19 (F) by redesignating subparagraph (G) as
20 paragraph (4) (and adjusting the margins ac-
21 cordingly);

22 (3) by inserting before paragraph (3) (as so re-
23 designated) the following new paragraph:

24 “(2) RULE OF CONSTRUCTION.—Nothing in
25 this subsection shall be construed to eliminate any

1 requirement for lenders to provide credit score dis-
2 closures, including the statement described under
3 subsection (f)(2), to consumers as part of an adverse
4 action or risk-based pricing notice.”;

5 (4) in paragraph (3) (as so redesignated), in
6 the quoted material—

7 (A) by inserting “, free of charge,” after
8 “disclose to you”; and

9 (B) by striking “affecting your credit
10 scores” and inserting “affecting your credit
11 score or scores”;

12 (5) in paragraph (5) (as so redesignated) by in-
13 serting “or scores” after “credit score” each place
14 such term appears; and

15 (6) by adding at the end the following new
16 paragraphs:

17 “(6) ACTIONS NOT REQUIRED.—This subsection
18 shall not require any person to disclose any credit
19 score or related information obtained by the person
20 after a loan has closed.

21 “(7) NO PROCUREMENT COSTS.—None of the
22 costs to the creditor or lender associated with pro-
23 curing any consumer reports or scores under this
24 subsection may be charged, directly or indirectly, to
25 the consumer.”.

1 **SEC. 10. RULEMAKING.**

2 Not later than the end of the 2-year period beginning
3 on the date of the enactment of this Act, the Bureau of
4 Consumer Financial Protection shall issue final rules to
5 implement the amendments made by this Act.

